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NEWFOUNDLAND.

LEGISLATIVE ACTS

WAR SESSION, 1914.

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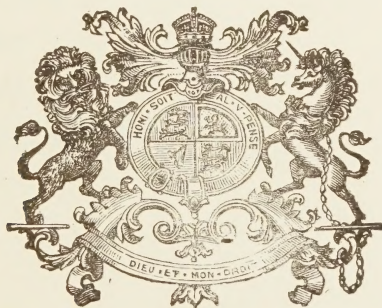
Statutes
Nfld

Newfoundland. Statutes
Statutes of Newfoundland
1914 (War session)

(ACTS
OF THE
General Assembly
OF
NEWFOUNDLAND)

Passed in the Fifth year of the Reign of His Majesty
KING GEORGE V.

His Excellency Sir WALTER EDWARD DAVIDSON, Knight
Commander of the Most Distinguished Order of St. Michael
and St. George, Governor and Commander-in-Chief in and
over the Island of Newfoundland and its Dependencies.



ST. JOHN'S, NEWFOUNDLAND :

J. W. WITHERS, PRINTER TO THE KING'S MOST EXCELLENT MAJESTY.

1914.

ACTS

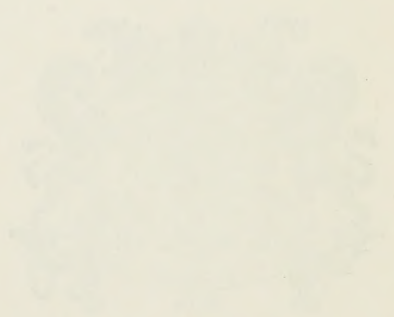
General Assembly

NEWFOUNDLAND

Printed by the Government Printer, St. John's, Nfld.

1900

The following are the names of the members of the General Assembly of Newfoundland, elected at the general election held on the 12th day of September, 1900, and the names of the members of the Executive Council, appointed by the Governor on the 12th day of September, 1900.



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NEWFOUNDLAND



ANNO QUINTO

GEORGH V. REGIS.

CAP. I.

*An Act to Confer Certain Powers upon the Governor
in Council.*

[PASSED SEPTEMBER 7, 1914.]

SECTION

- 1.—Short title.
- 2.—Ratification of acts done.
- 3.—Duration of certain sections.
- 4.—Proclamation conclusive of existence of war.
- 5.—Respecting Proclamation,
- 6.—Respecting orders and regulations hereunder.
- 7.—Determination of claim for compensation.

SECTION

- 8.—Forfeiture of ships or goods.
- 9.—Powers of Court as to procedure.
- 10.—Governor in Council may prescribe penalties.
- 11.—Respecting release of persons held.
- 12.—Respecting deportation of certain persons.

BE it enacted by the Governor, the Legislative Council Enacting clause.
and House of Assembly, in Legislative Session convened, as follows:—

Short title.

1. This Act may be cited as "The War Measures Act, 1914."

Ratification of acts done.

2. All acts and things done, or omitted to be done, prior to the passing of this Act, and on or after the first day of August, A. D. 1914, by or under the authority of, or ratified by—

(a) The Governor in Council ;

(b) Any Minister or Officer of the Government of Newfoundland ;

(c) Any other authority or person ;

which, had they been done or omitted after the passing of this Act, would have been authorized by this Act, or by orders or regulations hereunder, shall be deemed to have been done or omitted under the authority of this Act, and are hereby declared to be lawfully done or omitted.

Duration of certain sections.

3. The provisions of sections six, ten, and eleven of this Act shall only be in force during war, invasion or insurrection, real or apprehended.

Proclamation conclusive of evidence of war.

4. The issue of a proclamation by or under the authority of the Governor in Council shall be conclusive evidence that war, invasion or insurrection, real or apprehended, exists, and has existed for any period of time therein stated, and of its continuance until by the issue of a further proclamation it is declared that the war, invasion or insurrection, no longer exists.

Respecting Proclamation.

5 It is hereby declared that war has continuously existed since the fourth day of August, 1914, and shall be deemed to exist until the Governor in Council by proclamation, published in the *Royal Gazette*, declares that it no longer exists ; but any and all proceedings instituted or commenced by or under such authority of the Governor in Council before the issue of such last mentioned proclamation, the continuance of which he may authorize, may be carried on and concluded as if the said proclamation had not issued.

6. The Governor in Council shall have power to do and authorize such acts and things, and to make, from time to time, such orders and regulations, as he may, by reason of the existence of real or apprehended war, invasion or insurrection, deem necessary or advisable for the security, defence, peace, order and welfare of Newfoundland; and for greater certainty, but not so as to restrict the generality of the foregoing terms, it is hereby declared that the powers of the Governor in Council shall extend to all matters coming within the classes of subjects hereinafter enumerated, that is to say:—

- (a) Censorship, and the control and suppression of publications, writings, maps, plans, photographs, communications and means of communication;
 - (b) Arrest, detention, exclusion and deportation;
 - (c) Control of the harbours, ports and territorial waters of Newfoundland, and the movement of vessels;
 - (d) Transportation by land, air or water, and the control of the transport of persons and things;
 - (e) Trading, exportation, importation, production and manufacture;
 - (f) Appropriation, control, forfeiture and disposition of property, and of the use thereof.
- (2) All orders and regulations made under this section shall have the force of law, and shall be enforced in such manner and by such courts, officers and authorities as the Governor in Council may prescribe, and may be varied, extended or revoked, by any subsequent order or regulation; but if any order or regulation is varied, extended or revoked, neither the previous operation thereof, nor anything duly done thereunder, shall be affected thereby, nor shall any right, privilege or obligation or liability acquired, accrued, accruing or incurred thereunder be affected by such variation, extension or revocation,

Respecting orders
and regulations
hereunder.

Determination
of claims for
compensation.

7. Whenever any property, or the use thereof, has been appropriated by His Majesty under the provisions of this Act, or any Order in Council, order or regulation made hereunder, and compensation is to be made therefor and has not been agreed upon, the claim shall be referred by the Minister of Justice to the Supreme Court or a Judge thereof.

Forfeiture of
ships or goods.

8. Any ship or vessel used or moved, or any goods, wares or merchandize dealt with contrary to any order or regulation made under this Act, may be seized and detained, and shall be liable to forfeiture at the instance of the Minister of Justice, upon proceedings in the Supreme Court.

Powers of
Court as to
procedure.

9. The Supreme Court shall have power to make rules governing the procedure upon any reference made to, or proceedings taken before, such Court or a Judge thereof under the said sections.

Governor
in Council may
prescribe
penalties.

10. The Governor in Council may prescribe the penalties that may be imposed for violations of orders and regulations made under this Act, but no such penalty shall exceed a fine of five thousand dollars, or imprisonment for any term not exceeding five years, or both fine and imprisonment, and may also prescribe whether such penalty be imposed upon summary conviction or upon indictment.

Respecting
release of persons
held.

11. No person who is held for deportation under this Act, or under any regulation made hereunder, or is under arrest or detention as an alien enemy, or upon suspicion that he is an alien enemy, or to prevent his departure from Newfoundland, shall be released upon bail or otherwise discharged or tried, without the consent of the Minister of Justice.

Respecting
deportation of
certain persons.

12. No resident of Newfoundland, whether he is a Newfoundland citizen or not, and whether he has a Newfoundland domicile or not, who leaves Newfoundland to perform any military or other service for any country then at war with His Majesty, or for the purpose of aiding or abetting in any way His Majesty's enemies, shall be permitted to land

in Newfoundland or remain therein, except with the permission of the Minister of Justice. If any such person is also prosecuted for any offence of which he may have been guilty, he shall be liable to undergo any punishment imposed upon him under such prosecution before he is deported.

CAP. II.

An Act to enable the Governor in Council, during the existence of a State of War, to take Possession of Food Stuffs Unreasonably Withheld.

[PASSED SEPTEMBER 4, 1914.]

SECTION

1.—Governor in Council may take possession of food stuffs.

SECTION

2.—Respecting statement of prices.
3.—Duration of Act.

BE it enacted by the Governor, the Legislative Council, Enacting clause. and the House of Assembly, in Legislative Session convened, as follows:—

1. The Governor in Council, if he is of opinion that any food stuff is being unreasonably withheld from market, may Governor in Council may take possession of food stuffs. take possession of any supplies of such food stuff, paying to the owner of the same such price as may, in default of agreement, be decided to be reasonable, having regard to all the circumstances of the case, by arbitration of a Judge of the Supreme Court, or of a Stipendiary Magistrate selected by the Chief Justice.

2. The Governor in Council may, when deemed necessary, Respecting statement of prices. issue a statement of maximum prices of food stuffs, and food stuffs held for higher prices shall be construed to be unreasonably withheld from the market within the meaning of section one of this Act.

3 This Act shall have effect only while a state of war Duration of Act. exists between His Majesty and any foreign power,

CAP. III.

An Act to Conserve the Commercial and Financial Interests of the Colony.

[PASSED SEPTEMBER 7, 1914.]

SECTION

- 1.—Powers of Governor in Council as to payment of liabilities.
- 2.—Variation, extension or revocation of Proclamation.

SECTION

- 3.—Bank notes a legal tender in certain cases.
- 4.—Duration of Act.

Enacting clause.

BE it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:—

Powers of Governor in Council as to payment of liabilities.

1. It shall be lawful for the Governor in Council by proclamation, published in the *Royal Gazette*,—

- (1) To authorize the Bank of Montreal, the Bank of Nova Scotia, the Royal Bank of Canada, and the Canadian Bank of Commerce, to make payments in the bank notes of said banks issued under the provisions of the Bank Act, or any other Act of the Dominion of Canada, instead of gold;
- (2) To authorize the postponement of the payment of all or any debts, liabilities or obligations however arising, to such extent, for such time, and upon and subject to such terms, conditions, limitations and provisions, as may be specified in the proclamation.

Variation, extension or revocation of Proclamation.

2. Any proclamation made under the provisions of this Act may be varied, extended or revoked, by any subsequent proclamation, and separate proclamations may be made dealing with separate subjects, but if any proclamation is varied, extended or revoked, neither the previous operation thereof, nor anything duly done thereunder, nor shall any right, privilege, obligation,—acquired, accrued, accruing or incurred,—

thereunder be affected by such variation, extension or revocation.

3. A tender by any bank hereinbefore named of its notes in payment of any of its liabilities, when a proclamation made under the provisions of this Act is in force, shall be a sufficient and valid tender, and the payment at such time by such bank of any of its liabilities with its notes shall be a sufficient and valid a payment as if the same had been made in specie.

Bank notes a legal tender in certain cases.

4. This Act shall remain in force for a period of twelve months from the date of the passing thereof.

Duration of Act.

CAP. IV.

An Act respecting a Volunteer Force in this Colony.

[PASSED SEPTEMBER 7, 1914].

SECTION

- 1.—Respecting acceptance of corps.
- 2;—Appointment of officers.
- 3.—Respecting uniforms, arms, &c.
- 4.—Respecting uniform.
- 5,—Enlistment of volunteers.
- 6.—Command of volunteers abroad.

SECTION

- 7.—Rules and regulations.
- 8.—Drill Instructors.
- 9.—Application of Army Act.
- 10.—Exemption of pay from attachment.
- 11.—Duration of Act.

BE it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows :—

Enacting clouse.

1. The Governor may accept the services of any persons desirous of being formed under this Act into a volunteer corps and offering their services, and upon such acceptance the proposed corps shall be deemed to be lawfully formed.

Respecting acceptance of corps.

Appointment
of officers.

2. The Governor shall appoint a person who shall be charged with the military command of the Volunteer Corps, and shall have the rank of Lieutenant-Colonel of Volunteers, and such officers as may be deemed necessary, and all non-commissioned officers shall be appointed by the Lieutenant-Colonel.

Respecting
uniforms, arms,
&c.

3. Uniforms, arms and accoutrements shall be furnished the officers, non-commissioned officers and men of the Volunteers. The Governor in Council shall make rules and regulations as to the custody, care and return of such uniforms, arms and accoutrements and provide penalties for breaches of the same, which shall have the force and effect of law.

Respecting
uniform.

4. No Volunteer Corps and no officer, non-commissioned officer or man shall at any time appear in uniform or armed or accoutred except when actually on duty, or at parade or drill, or at target practice, or at reviews or field days or inspections.

Enlistment of
volunteers.

5. Volunteers shall be enlisted for service abroad and home defence against the alien enemies of the King. Every Volunteer shall sign a roll in which the conditions of his service shall be stated. No person shall be enlisted for a longer period than the duration of the present war, but not exceeding one year, and every officer on appointment and every man on enlistment shall take an oath in the following form:—

I, _____, do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty, and that I will faithfully serve His Majesty in any place where I may be needed (or in the Colony of Newfoundland, as the case may be), against all his enemies and opposers whatsoever, according to the condition of my service.

A. B.

The oath may be administered by any commissioned officer or by a justice of the peace.

6. All Volunteers who have enlisted for service abroad and their officers may be put under command of such Generals or Officers of His Majesty's Army as His Majesty may appoint or designate. Command of Volunteers abroad.

7. The Governor in Council may, from time to time, make such rules and regulations as he may deem fit :— Rules and regulations.

(a) As to the appointment and promotion of officers ;

(b) As to the assembling and proceedings of Courts of Enquiry, to enquire into and report on any matter connected with the government of the Volunteers ;

(c) Prescribing the qualification for enlistment ;

(d) As to times for training and drill ;

(e) As to terms and conditions of service ;
and for such other purposes as may be necessary for the full execution of this Act, and may affix penalties for breaches of the same and provide for the manner of the recovery thereof, and all such rules and regulations shall have the force and effect of law.

8. The Governor in Council shall engage such drill instructors and other teachers as may be necessary for the training of the Volunteers, and for such term of engagement and for such duties as to him shall seem fit. Drill instructors.

9. Every officer and man of the Volunteers, when called for active service and during any time while at drill or training, or at parade, or going to and coming from parade, drill or training, or at any time when in uniform, be subject to the Army Act of the Imperial Parliament and the King's Regulations and Orders for the Army and Army Orders, except that no man shall be subject to any corporal punishment other than imprisonment or death for any contravention of such laws and regulations. Application of Army Act.

Exemption of
pay from attach-
ment.

10. The pay or salary of the officers and men of the Volunteers shall not be subject to attachment under mesne or final process of any court in the Colony.

Duration of Act.

11. This Act shall continue in force for one year from the date hereof.

CAP. V.

An Act Respecting Enquiries into Matters of Public Importance.

[PASSED SEPTEMBER 7, 1914].

SECTION 1.—Extension of the provisions of chapter 30, Con. Stat.

Enacting clause.

BE it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows :—

Extension of the
provisions of
Chapter 30 of
Con. Stat.

1. The provisions of Chapter 30 of the Consolidated Statutes, entitled “Of Enquiries concerning Public Matters,” are hereby extended and made applicable to any enquiries which the Governor in Council deems expedient to be made into the manner of prosecuting the fisheries of the Colony, including the Seal fishery and the loss of life arising out of such prosecution and the means provided for the health, comfort and safety of persons engaged in such fisheries.

The said Commissioners shall, in addition to their other duties, suggest such remedial measures as may be deemed desirable, and all persons or Commissioners appointed to conduct enquiries will have all the powers conferred by the said chapter.

CAP. VI.

An Act Respecting the provision of Wireless Telegraphy on Steamers Engaged in the Trade of the Colony.

[PASSED SEPTEMBER 7, 1914.]

SECTION

- 1.—Steamer to be provided with wireless telegraph and signalling apparatus.
- 2.—Maintenance of apparatus.

SECTION

- 3.—Respecting clearance at Customs.
- 4.—Penalty.
- 5.—Application of Act.
- 6.—Saving clause.

BE it enacted by the Governor, the Legislative Council Enacting clause. and House of Assembly, in Legislative Session convened, as follows :—

1. Every steamer to which this Act applies shall be provided— Steamer to be provided with wireless telegraph and signalling apparatus.

- (1) With a wireless telegraph installation approved of by the Minister of Marine and Fisheries ;
- (2) With at least one qualified wireless operator approved of by the Postmaster General ;
- (3) With a Morse signalling apparatus approved by the Minister of Marine and Fisheries ;
- (4) With at least one person on board capable of operating such signalling apparatus and of reading signals from other ships.

2. The wireless telegraphy installation provided on a ship to which this Act applies shall be maintained in good order and shall be attended to by an operator qualified as aforesaid in accordance with rules and regulations to be made by the Governor in Council under this Act for the purposes thereof. Maintenance of apparatus.

3. No steamer to which this Act applies shall receive a clearance at any Custom House for the Seal fishery or other— Respecting clearance at Customs.

wise unless and until the Collector is satisfied that the provisions for this Act in respect of said steamer have been complied with.

Penalty.

4. If any requirement of this Act is not complied with in the case of any steamer to which this Act applies, the master or owner shall be liable for each offence to a fine of twenty-five hundred dollars, to be recovered in a summary manner before a Stipendiary Magistrate.

Application
of Act.

5. This Act shall apply to any steamer which ordinarily is engaged in prosecuting the Seal fishery from any port of this Colony, when engaged in the Seal fishery or when carrying more than sixty persons; and to any other vessel carrying passengers from or within this Colony when named by the Governor in Council in a Proclamation to be published in the *Royal Gazette*.

Saving clause.

6. Nothing in this Act shall affect the obligation to obtain a license for a wireless telegraphy installation under "The Postal and Telegraph Acts, 1891 to 1906," or prevent the Governor in Council or other person exercising a like control over such wireless telegraphy in times of war or otherwise as may be exercised in respect of other wireless telegraphy.

CAP. VII.

An Act respecting the Exportation of Timber

[PASSED SEPTEMBER 4, 1914.]

SECTION

- 1.—Licenses for exportation of pulp
wood in certain cases.
2.—Payment of export duty.

SECTION

- 3.—Penalty.
4.—Export of timber for pit props
lawful.

BE it enacted by the Governor, the Legislative Council Enacting clause.
and House of Assembly, in Legislative Session con-
vened, as follows:—

1. Notwithstanding any provision in the Acts relating to Licenses for exportation of pulp wood in certain cases.
Crown Lands or the cutting or exportation of timber con-
tained, it shall be lawful for the Governor in Council to
grant a license to any person to cut pulp-wood on any
Crown Lands in Labrador and to export the same, and to
grant a license to any person, being the holder of license to
cut timber under the Act relating to Crown Lands, to export
pulp-wood cut on any area in Labrador held under such
license; such licenses shall be granted subject to the follow-
ing conditions:—

- (1) The license shall continue in force until June 30th,
1915, and no longer: Provided that any licensee
shall have the right to export any pulp-wood so
cut at any time up to and including December
31st, 1915.
- (2) The licensee shall pay an export duty on any pulp-
wood exported of \$1.00 per cord.
- (3) The Governor in Council may prescribe the rate of
wages to be paid men employed by the licensee
for the purpose of cutting and exporting such
pulp-wood.

Payment of
export duty.

2. The duty of \$1.00 per cord shall be paid at the port of entry at the time when such pulp-wood is being exported. No such export shall be permitted until such duty is paid.

Penalty.

3. Any person exporting pulp-wood without a license, or without entering the same for export, or without paying the export duty thereon, shall be liable to a penalty for any such offence of \$5 000.00 and an amount equal to double the amount of the duty payable on any pulp-wood so exported, to be recovered in a summary manner before a stipendiary magistrate.

Export of timber
for pit props
lawful.

4. Notwithstanding anything in any Act to the contrary it shall be lawful for any person to export by the usual export entry any timber or lumber for pit props to any place in the United Kingdom for a period of one year from the 1st day of September, 1914.

CAP. VIII.

An Act for Raising a Sum of Money by Loan for the Maintenance and Equipment of a Volunteer Force

[PASSED SEPTEMBER 4, 1914.]

SECTION

- 1.—Power to raise \$250,000 by loan.
- 2.—Denomination of Bonds.
- 3.—Form of coupons.

SECTION

- 4.—Bonds and interest chargeable on revenues.

BE it enacted by the Governor, the Legislative Council Enacting clause. and House of Assembly, in Legislative Session convened, as follows:—

1. The Governor in Council shall have power to raise by Power to raise \$250,000 by loan. the sale of Debenture Bonds of the Colony, issued under the provisions hereof, a sum not exceeding two hundred and fifty thousand dollars. The said sum or so much thereof as may be necessary, shall be applied for the payment of the expenses of the equipment and maintenance of a Volunteer Force, to be expended in such manner and by such persons as shall be determined by the Governor in Council.

2. The said Debenture Bonds shall be of the face value Denomination of bonds. of two hundred and fifty dollars, five hundred dollars, one thousand dollars, five thousand dollars, and ten thousand dollars, and shall mature fifty years from the first day of July, 1914, and shall bear interest at the rate of four dollars per centum per annum, payable half-yearly on the first days of January and July in each year.

The said Debenture Bonds shall be in the form of Schedule A hereto, or as near thereto as the Governor in Council may find convenient, and shall be signed by the Minister of Finance and Customs, and countersigned by the Colonial Secretary, and numbered in succession from one upwards. Form of bonds.

3. Coupons shall be attached to the said Debenture Bonds Form of coupons. for the payment of the interest thereon, and shall be in the

form of Schedule B. The said coupons shall be signed by the Minister of Finance and Customs and countersigned by the Colonial Secretary; provided that the names of the Minister of Finance and Customs and of the Colonial Secretary may be stereotyped as *fac simile* signatures, and in each case they shall be of the same force and effect as if signed.

Bonds and interest chargeable on revenues.

4. The said Debenture Bonds and interest shall be chargeable on and payable out of the funds of the Colony.

SCHEDULE A.

NEWFOUNDLAND GOVERNMENT.

Debenture Bonds issued under the Act 5 George V., Cap.

No.

Schedule A.

Know all men by these presents, that the Newfoundland Government is indebted to the bearer hereof in the sum of _____, which it promises to pay to the bearer hereof at St. John's, on the first day of July, 1964. The interest upon the said sum, at the rate of four dollars per centum per annum, the said Government promises to pay at Saint John's, on the first day of January and on the first day of July in each year, on the presentation of one of the coupons attached htreto.

In witness whereof, the Governor has caused these presents to be signed by the Minister of Finance and Customs of this Colony, and countersigned by the Colonial Secretary thereof, this _____ day of _____, 19 ____.

Minister of Finance and Customs.

Colonial Secretary.

SCHEDULE B.

Schedule B.

NEWFOUNDLAND GOVERNMENT.

Debenture Coupon (\$).

The Newfoundland Government will pay to the bearer on the day of , the sum of , at the Treasury, St. John's, being six months' interest on Bond Number .

Minister of Finance and Customs.

Colonial Secretary.

CAP. IX.

An Act to authorise the Governor in Council to raise a Temporary Loan in certain cases.

]PASSED SEPTEMBER 7, 1914.]

SECTION

1.—Power to sell temporary debentures.

2.—Respecting form of debentures.

SECTION

3.—Payment of principal and interest.

4.—Money to be chargeable on revenues.

BE it enacted by the Governor, the Legislative Council, Enacting clause. and the House of Assembly, in Legislative Session convened, as follows:—

1. Pending the raising of the sum of \$250,000 authorized by the Act of the present Session of the Legislature, it shall be lawful for the Governor in Council, from time to time, to borrow and raise any sum of money, not exceeding the sum mentioned in such Act, by the sale of Debentures of the Colony, to be known as temporary Debentures. Power to sell temporary debentures.

Respecting form
of debentures.

2. Every such temporary Debenture shall bear interest after such rate and shall be in such form and for such sums as shall be determined by the Governor in Council and with or without coupons attached, and be signed by the Minister of Finance and Customs, and countersigned by the Colonial Secretary on behalf of the Colony.

Payment of
principal and
interest.

3. The interest and principal on such temporary Debentures shall be payable at such times as may be determined by the Governor in Council, and set out in such Debentures; provided that the principal money secured by any such temporary Debenture shall not be made payable at a later period than three years after the date of issue thereof.

Money to be
chargeable on
revenues.

4. All sums of money raised or borrowed under the provisions of this Act and all interest thereon shall be a charge upon the Revenues of the Colony.

CAP. X.

An Act respecting Stamp Duties.

[PASSED SEPTEMBER 7, 1914.]

SECTION

- 1.—Instruments chargeable with duties.
- 2.—No unstamped instrument available in law or equity.
- 3.—Act shall not apply to Bank note.
- 4.—Penalty on Bank cashing cheque.

SECTION

- 5.—All instruments to be stamped.
- 6.—Interpretation of instrument.
- 7.—Respecting cancelling.
- 8.—Application of 61 Vic., cap. 14.
- 9.—Respecting rules and regulations.
- 10.—Suspending clause.

Enacting clause.

BE it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows :—

1. From and after the commencement of this Act there shall be paid for the use of His Majesty, His Heirs and Successors, upon the several instruments mentioned in the Schedule hereto, the several duties in the said Schedule specified. Instruments chargeable with duties.

2. No such instrument executed after the commencement of this Act in this Colony, or relating wherever executed to any property situate, or to any matter or thing done or to be done in this Colony, shall, except in criminal proceedings, be pleaded, or given in evidence, or admitted to be good, useful or available in law or equity, unless it is duly stamped in accordance with the provisions of this Act. No unstamped instrument available in law or equity.

3. Nothing in this Act shall apply to any Bank note payable to bearer on demand, issued or circulated by any Bank doing business in the Colony. Act shall not apply to Bank note.

4. If any Bank doing business in this Colony, or any branch of such Bank, cashes any cheque not duly stamped, the manager of such Bank or branch shall be liable for every offence to a penalty of ten dollars to be recovered in a summary manner before a Stipendiary Magistrate. Penalty on Bank cashing cheque.

5. Every instrument to which this Act applies shall be stamped with adhesive or impressed stamps of value equal to the duty payable thereon, and for the purpose of so stamping any of the instruments in the Schedule hereto either stamps provided or procured for the purpose of the Act 61 Vic, Cap. 14, entitled "An Act respecting the Payment of certain Fees and Charges by Stamps," or ordinary postage stamps may be used. All instruments to be stamped.

6. In this Act "instrument" means any paper or writing mentioned in the Schedule. Interpretation of instrument.

7. An instrument shall not be deemed to be duly stamped unless the stamp affixed thereto is cancelled. Respecting cancellation.

Application of
61 Vic., cap. 14.

8. All the provisions of the Act 61 Vic., Cap. 14, entitled "An Act respecting the Payment of certain Fees and Charges by Stamps," shall apply to this Act and the Schedule hereto, and this Act and the Act 61 Vic., Cap. 14, may be cited together as "The Stamp Acts, 1898-1914."

Respecting rules
and regulations.

9. The Governor in Council shall make rules and regulations as to the affixing of stamps to all instruments under this Act and the cancelling of the same. All such rules and regulations when published in the *Royal Gazette*, and one other paper published in the Colony, shall have the force and effect of law.

Suspending
clause.

10. This Act shall come into operation on the 1st day of October, 1914.

SCHEDULE.

Schedule.	Cheques on a Banker	...	...	...	...	2 cents.
	Promissory Notes ..	...	...	...	...	2 cents.
	Bills of Lading and Shipping Receipts	...	...	...	...	2 cents.
	Bills of Exchange for every \$100 or part thereof	...	...	...	...	5 cents.
	Charter Parties	...	...	...	...	\$1.00

CAP. XI.

An Act to Increase the Revenue by the Imposition of certain Duties on the Estates of Deceased Persons.

[PASSED SEPTEMBER 4, 1914.]

SECTION

- 1.—Estate duties payable.
- 2.—Respecting account for Treasury.
- 3.—Powers of the Minister of Finance and Customs;
- 4.—Respecting the payment of duties.
- 5.—Recovery of unpaid duties.

SECTION

- 6.—Respecting appeal from value of estate.
- 7.—Probate or administration not to be granted without certificate.
- 8.—Penalty for not obtaining administration.

BE it enacted by the Governor, the Legislative Council Enacting clause. and House of Assembly, in Legislative Session convened, as follows:—

1. There shall be charged and paid upon the estates of Estate duties all persons dying after the passing of this Act, the duties payable specified in the Schedule hereto.

2. In addition to the affidavits and inventories at present Respecting account for Treasury. required from a person applying for letters of probate or administration there shall be delivered to the Treasury an account verified by oath and in the form prescribed by the Governor in Council, of the particulars of the estate for or in respect of which letters of probate or of administration are applied for.

3. It shall be lawful for the Minister of Finance and Powers of the Minister of Finance and Customs. Customs, upon receipt of such account, to cause to be made any enquiries in respect of the same, or of the estate in respect of which letters of probate or of administration are applied for, which he may deem necessary, and for such purpose may summon and examine witnesses upon oath and require the production of any papers or documents. The Minister shall certify the value of the said estate after making allowance for debts incurred during the lifetime of the

deceased, and due and payable at the time of his death, and upon such certified value the duties specified in the Schedule hereto shall be paid.

Respecting
the payment
of duties.

4. The applicant for letters of probate or of administration shall thereupon pay to the Minister of Finance and Customs the duties due, together with interest thereon, at the rate of 6 per cent. per annum, from the date of the death of the deceased, or shall give security with two or more sufficient sureties approved by said Minister, by a bond to His Majesty the King, His Heirs and Successors, in double the amount of the said duties, for the due and full payment of the amount of said duties, within six calendar months or any less period, and of the interest for the same, at the rate of six dollars per centum per annum, during the period from the death of the deceased until payment: Provided that the Governor in Council may, in lieu of payment on the maturity of such bond, accept a new bond with sufficient sureties for the payment of such duties and interest at such time as he shall determine and cause to be specified in such bond. Such last-named bond shall also bear interest at the rate of 6 per cent. to the date of payment.

Recovery of
unpaid duties.

5. All duties when unpaid shall be a debt due to His Majesty, His Heirs and Successors, from the estate of the deceased, and shall be paid in preference to and before any other debt whatsoever due from the same estate, and may be sued for and recovered by an action in the name of the Minister of Finance and Customs in any Court having jurisdiction in cases of debt or damages to the amount of the same.

Respecting
appeal from
value of estate.

6. If the applicant for letters of probate or of administration is dissatisfied with the value certified by the said Minister as aforesaid, he may appeal therefrom to the Supreme Court, or a judge thereof, by giving notice within three days from the date of such certifying. The Court or Judge shall hear the matter summarily and confirm or vary said value, and the judgment of the Court or Judge shall be final as to such value.

7. No letters of probate or of administration shall be granted by the Supreme Court or a Judge thereof without the production to it or him of a certificate of the Minister of Finance and Customs that all the duties have been paid or sufficient security given for their payment.

Probate on
administration
not to be granted
without certifi-
cate.

8. Any estate for or in respect of which letters of probate or of administration are not obtained within one year from the death of the deceased, unless the obtaining thereof is delayed by litigation, or other cause over which the applicant had no control in respect of the same, shall be liable to double the amount of the duties chargeable, and administration may be granted to the said Minister, who shall be entitled to retain double the amount of said duties for His Majesty.

Penalty for not
obtaining
administration.

SCHEDULE.

Estates certified of less value than \$1,000 shall pay no duties.

Of	\$1,000 and up to \$2,500	...	...	1 per cent.
"	2,500 " 5,000	..	...	2 "
"	5,000 " 25,000	...	...	3 "
"	25,000 " 50,000	...	...	4 "
"	50,000 " 100,000	...	...	5 "
"	100,000 " 200,000	...	...	6 "
"	200,000 " 350,000	...	...	7 "
"	350,000 " 500,000	...	..	8 "
"	500,000 " 750,000	...	...	9 "
"	750,000 " 1,000,000	...	...	10 "
"	1,000,000 and over	...	...	11 "

CAP. XII.

An Act further to amend "The Revenue Act, 1905."

[PASSED SEPTEMBER 7, 1914].

SECTION

- 1.—Amendment of Schedule A.
- 2.—Amendment of Schedule B.
- 3.—Rebate on Kerosene oil in certain cases.

SECTION

- 4.—Date of operation of Act.
- 5.—Power to remit duties.

Enacting clause.

BE it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:—

Amendment of
Schedule A.

1. Schedule A. to the Revenue Act, 1905, as amended by subsequent Acts, is hereby further amended by adding to the said Schedule the following words and figures, namely:

Sugars—Loaf, cut loaf, cube and castor—per lb.	-	3 cents.
All other kinds of sugar, granulated or otherwise,		
white, brown or yellow—per lb.	-	1½ "
Tea—per lb.	-	5 "
Flour, wheaten, including duty on package—per brl.	25	"
Kerosene oil, including duty on package—per gal.	5	"
Beef, when salted in barrels, including duty on package—per brl	-	\$1.00
Pigs' Heads, Jowls without tongues, Hocks, Feet and Ribs, when salted in barrels, includ'g duty on package—per brl	-	\$1.00
Pigs' Jowls and Tongues, when salted in barrels, including duty on package—per brl.	-	\$1.50
Pork in barrels and half-barrels, viz.:		
Mess, Family, Prime Mess, Rump, Extra Prime Bean, Clear Butt, and Ham, including duty on package—per brl.	-	\$1.50
Belly Pork, or Family Mess or Loin Pork, includ'g duty on package—per brl.	-	\$2.00
Automobiles and other similar motor vehicles and parts for same, and tyres—ad val.	-	45 p.c.

And by striking out of Item 95 in said Schedule the words "Automobiles and other similar motor vehicles."

2. So much of Schedule B. of said Act as is inconsistent with the foregoing enactments is hereby repealed. Amendment of Schedule B.

3. Upon all Kerosene oil imported a rebate, equal to the amount of duty paid thereon, shall be allowed to persons using the same in motor fishing boats, upon the production to the Assistant-Collector of the necessary evidence. Rebate on Kerosene oil in certain cases.

4. The provisions hereof shall take effect as on and from the hour of one in the afternoon of the second day of September, 1914. Date of operation of writ.

5. It shall be lawful for the Governor in Council, by Proclamation, to remit the whole or any part of the duties imposed by this Act, whenever he shall deem it necessary. Power to remit duties.

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